

IN THE COURT OF APPEALS FOR THE
SECOND DISTRICT OF TEXAS

EX PARTE

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FILED IN
2nd COURT OF APPEALS
FORT WORTH, TEXAS
11/1/2019 8:59:22 AM
NO. 02-19-00064-CR
DEBRA SPISAK
Clerk

SULIA LAWRENCE BROWN

*APPEAL OF THE TRIAL COURT'S DENIAL OF APPELLANT'S PRE-
TRIAL PETITION FOR WRIT OF HABEAS CORPUS, CAUSE NUMBER 1503867,
IN CRIMINAL DISTRICT COURT NO. 1 OF TARRANT COUNTY, TEXAS; THE
HONORABLE NELDA CACCIOTTI, PRESIDING.*

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE STATE'S MOTION FOR REHEARING**

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TO THE HONORABLE COURT OF APPEALS:

Pursuant to Texas Rules of Appellate Procedure 10.5(b) and 49.8, the State files this Unopposed Motion for Extension of Time to File State's Motion for Rehearing ("Motion") and in support thereof would show as follows:

I. Background

On May 23, 2012, the State filed a petition alleging that Appellant engaged in delinquent conduct, to-wit: aggravated sexual assault of a child younger than 14 years of age. [CR 21] On June 8, 2012, the juvenile court found that Appellant was unfit to proceed, stayed the juvenile proceedings, and committed Appellant. [CR 46, 49] Appellant has been committed to the custody of a residential care facility at Mexia ever since.

On June 23, 2018, Appellant filed an application for writ of habeas corpus. [CR 15] On January 30, 2019, the trial court denied Appellant's application. [CR 68, 77] Appellant then filed this appeal.

On October 17, 2019, the Court of Appeals issued its opinion.

II. Due Date

The State's Motion for Rehearing is currently due on November 1, 2019. The State seeks an additional 15 days to file its motion until Monday, November 18, 2019 (the fifteenth day falling on a Saturday). No previous extension of time has

been sought.

III. Reason for Extension of Time

Since October 17, 2019, counsel for the State has

- Filed the State's Responses to seven article 11.07 applications for writ of habeas corpus in various Tarrant County criminal district courts;
- Filed the State's Proposed Findings of Fact and Conclusions of Law in three article 11.07 proceedings in various Tarrant County criminal district courts;
- Filed the State's Response and State's Proposed Findings of Fact and Conclusions of Law to one article 11.09 application for writ of habeas corpus in County Criminal Court No. 10 of Tarrant County, Texas; and
- Participated in the Texas Court of Criminal Appeals' Rules Advisory Committee Meeting on October 25, 2019, in Austin, Texas.

In addition, counsel is actively involved in other pending matters that conflict or potentially conflict with the current briefing deadline, including:

- A writ hearing in *Ex parte Adrick Houston*, No. C-297-W011490-1429561-A, currently scheduled for November 6, 2019, in the Tarrant County 297th District Court;
- Briefing in *Ex parte Couch*, Cause No. 02-19-00216-CR, in the Court of Appeals for the Second District, due on November 13, 2019, after one extension; and
- Researching and collecting evidence from a 1991 conviction for the State's Response regarding an actual innocence claim in *Ex parte James Randale Lindsey*, No. C-297-W011601-0367861-A, due on November 16, 2019, in the Tarrant County 297th District Court of Tarrant County, Texas.

IV. No Opposition

Counsel for Appellant does not oppose this request for extension.

V. Extension Sought in the Interest of Justice

This extension is not sought for the purpose of delay, but rather is sought in the interest of justice and judicial economy. Granting the Motion will not significantly delay the proceedings in this case.

VI. Prayer

WHEREFORE, PREMISES CONSIDERED, the State requests the Court grant the Motion and extend the time to file the State's Motion for Rehearing by fifteen (15) days until Monday, November 18, 2019, the fifteenth day falling on a Saturday.

Respectfully submitted,

SHAREN WILSON
Criminal District Attorney
Tarrant County, Texas

JOSEPH W. SPENCE
Assistant Criminal District Attorney
Chief, Post-Conviction

/s/ Andréa Jacobs

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CERTIFICATE OF CONFERENCE

On October 30, 2019, Mr. Wes Ball, Appellant's counsel advised counsel for the State that he does not oppose this Motion.

/s/ Andréa Jacobs

ANDRÉA JACOBS

CERTIFICATE OF SERVICE

A true copy of this motion has been electronically sent to Appellant, Mr. Sulia Brown, by and through his attorney of record, Mr. Wes Ball, at WBnotices@ballhase.com, 4025 Woodland Park Blvd, Suite 370, Arlington, Texas 76013 on the 1st day of November, 2019.

/s/ Andréa Jacobs

ANDRÉA JACOBS